

MEMORANDUM FOR: Director of Security

FROM:

[REDACTED]  
Chief, Policy Branch, PPG

SUBJECT: Draft Revision of DCID 1/19

REFERENCES:

- A. Draft Revision of DCID 1/19, pages 8 and 9
- B. Memo for NFIB from DCI, dated 28 September 1981, Nda for SCI (NFIB-9.2/64)
- C. Nda Forms 4066 and 4193

1. This memorandum is for your information and requests your decision on a matter of policy. The issue of policy is stated in paragraph 5.

2. The Chief, Special Security Center, has voiced concern that paragraph 5, page 8, of the draft DCID 1/19 not only is contrary to the DCI's wishes but is contrary to a policy decision made by you on 2 October 1981 that CIA, non-NFIB or private sector persons will not be "retrofitted" with new Nondisclosure Agreements (Nda) Form 4193 which contains a prepublication review provision. The sense of the paragraph that "all persons holding or being given SCI access shall sign an Nda" (i.e., line 17) in the context of the "mandatory" prepublication review provision (i.e., lines 23-24) is that a "retrofit" is required.

3. The DCI, in his memorandum of 28 September 1981, to the National Foreign Intelligence Board (NFIB) on the subject of Nda's, stated that Form 4193 "may" be used by the Community to satisfy the requirement for a Nda for SCI access. Senior Intelligence Officers were "encouraged" to include a prepublication review requirement in any alternative form of Nda used. The only thing mandated by the DCI was that they "should use the same form for all SCI accesses they grant." The DCI did not mandate a "retrofit." Your policy decision of 2 October 1981 complies with this DCI mandate.

4. As the Chief, SSC, has previously pointed out a "retrofit" by CIA would involve [REDACTED]

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contractor employees as well as some 2,000 non-NFIB customers, many of whom are Cabinet-level officer or Presidential appointees. On 2 October 1981 you advised the DD/P&M, "Per our agreement with [redacted] let's use the new Nda starting now on all new SCI briefings for either Government or private-sector persons." As stated in the draft DCID 1/19, the "mandatory" use of the pre-publication review provision would necessitate "retrofitting" [redacted] contractor employees and 2,000 non-NFIB customers. Agency staff employees are covered by internal secrecy agreements and the Snepp Case. Unless non-NFIB and contractor (private sector) persons are "retrofitted," however, the Agency will not have the protection that it enjoys with staff employees by virtue of the Snepp Case. The Department of Defense (DoD) has acquiesced in the use of an Nda (Form 4193). DoD in the future may refuse to accept the Agency's previously used Nda (Form 4066) on grounds that it does not include an explicit security review requirement prior to public disclosure of SCI. In this event, DoD would then have to bear the "retrofit" burden to satisfy its own needs.

5. The Chairman, DCI Security Committee, having received so many suggested changes to the draft DCID 1/19 has remanded it to the Compartmentation Subcommittee for further work. This Committee will meet 4 April. It is recommended, therefore, that the CIA representative on the Compartmentation Subcommittee be instructed to have the word "encouraged" substituted for the word "mandatory" on page 8, line 24, of the draft, the grounds being that the word "encouraged" is in keeping with the DCI's memorandum to the NFIB.

Recommendation in paragraph 5 is:

APPROVED:

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[redacted]  
Director of Security

Date

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23 March 1982